REMARKS

In the final rejection, the Examiner set forth new rejections based primarily upon U.S. Patent No. 6,172,613 issued to DeLine et al. The claims as now pending were presented during a personal interview conducted prior to the final rejection. During that interview, the Examiner had agreed that those claim amendments overcame the rejections that were then made against the claims. However, the Examiner has now made this new rejection and made the rejections final.

In the Office Action, the Examiner has rejected claim 8 under 35 U.S.C. §112, first paragraph; rejected claims 1 and 3-12 under 35 U.S.C. §103(a) as being unpatentable over DeLine et al. in view of U.S. Patent No. 4,882,565 issued to Gallmeyer; rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over DeLine et al. in view of Gallmeyer and U.S. Patent No. 5,253,109 issued to O'Farrell et al.; rejected claims 13-15 and 18 under 35 U.S.C. §103(a) as being unpatentable over DeLine et al. in view of Gallmeyer and U.S. Patent No. 3,795,067 issued to Weinstein; rejected claims 16, 17, and 19 under 35 U.S.C. §103(a) as being unpatentable over DeLine et al. in view of Gallmeyer, Weinstein, and U.S. Patent No. 4,803,599 issued to Trine et al.; and rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over DeLine et al., Trine et al., and Gallmeyer.

By this Amendment, Applicants have amended claim 8 such that it recites that the third light source is associated with the third indicia symbol. As indicated in the last sentence of the rejection under 35 U.S.C. §112, first paragraph, in the Office Action, the Examiner considered claim 8 to effectively incorporate this amendment for purposes of examination.

Accordingly, this amendment to claim 8 should not raise any new issues or require any additional search. Applicants submit that claim 8, as amended, meets the requirements of 35 U.S.C. §112, first paragraph.

Attached hereto is a marked-up version of the changes made to claim 8 by the current Amendment. The attached page is captioned "Version With Markings to Show Changes Made."

Applicants hereby respectfully traverse each of the rejections of claims 1-20, which all rely upon the DeLine et al. '613 patent. In the Office Action, the Examiner refers to Fig. 25 of DeLine et al. and contends that it discloses a reflector layer with a portion defining an opening, an indicia panel covering the opening and configured to form a visual display having a characteristic color, and at least one light source positioned in the housing to pass light through the indicia panel and the opening of the mirror subassembly to selectively illuminate the visual display. The Examiner admits that DeLine et al. does not disclose that the light source emits a light matched in color to the characteristic color of the visual display of the indicia panel. The Examiner then relies upon the teachings of Gallmeyer as allegedly disclosing a mirror with at least one light source emitting a light matched in color to the characteristic color of a visual display of an indicia panel. For support of this contention, the Examiner references column 8, lines 4-8 of Gallmeyer, which discloses use of a color filter. The Examiner then concludes that it would have been obvious to one of ordinary skill in the art to modify the light source of DeLine et al. to emit a light matched in color to the characteristic color of the visual display of the indicia panel to make the display clearly visible. The

Examiner further contends that the light source in Gallmeyer inherently has to be matched in color to the characteristic color of the visual display of the indicia panel or else no light would be visible.

Although Applicants do not agree with the Examiner's contentions and conclusions, Applicants point out that U.S. Patent Application No. 09/172,393, which is a parent application to the present application and which was filed on October 14, 1998, discloses at least as much as DeLine et al. and Gallmeyer, and thus, based upon the Examiner's claim interpretation, the claims of this application are entitled to the filing date of the '393 application, namely, October 14, 1998. Note that the '393 parent application discloses the use of a color filter (page 7, lines 13-18). A copy of the '393 parent application is attached for the Examiner's reference. The October 14, 1998, filing date predates that of the DeLine et al. patent thereby disqualifying it as a prior art reference. Although the DeLine et al. patent claims priority to the application that became U.S. Patent No. 6,087,953, the '953 patent does not disclose the subject matter relied upon by the Examiner. The '393 application has been abandoned in favor of this and other continuing patent applications.

Because the effective filing date to which the claims of the present application are entitled predates that of the DeLine et al. reference, that reference can no longer be relied upon and any rejections relying upon the DeLine et al. patent must now be withdrawn. In view of the fact that all of the rejections rely upon the DeLine et al. patent, all the rejections should be withdrawn and this application should be passed to issue.

In view of the foregoing remarks, Applicants submit that the present invention, as defined in the pending claims, is allowable over the prior art of record. The Examiner's reconsideration and timely allowance of the claims is requested. A Notice of Allowance is therefore respectfully solicited.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claim 8 as follows:

8. (Amended) A vehicle rearview mirror assembly comprising:

a housing;

a mirror subassembly disposed in said housing and including at least one transparent element and a reflector layer associated with said at least one transparent element, a portion of said reflector layer defining an opening; and

a passenger supplemental inflatable restraint display for displaying the enablement status of passenger supplemental inflatable restraint, said display comprising:

an indicia panel disposed in said housing behind said mirror subassembly so as to cover the opening in said reflector layer, said indicia panel including an opaque region and a plurality of substantially non-opaque regions defining a plurality of indicia symbols, said plurality of indicia symbols including a first indicia symbol, a second indicia symbol, and a third indicia symbol, wherein at least one of said substantially non-opaque regions define said first indicia symbol and has an amber color, and wherein said indicia symbols include alphanumeric letters; and

a plurality of light sources positioned in said housing to transmit amber colored light through said substantially non-opaque regions of said indicia panel and through said mirror subassembly to selectively display the illuminated

indicia symbols, wherein said plurality of light sources includes at least a first light source associated with said first indicia symbol, a second light source associated with said second indicia symbol, and a third light source associated with said ~~second~~ third indicia symbol, said first, second, and third light sources are independently activated from one another so as to independently illuminate said first, second, and third indicia symbols; and

a baffle subassembly disposed between said light sources and said indicia panel such that light from said first light source does not illuminate said second and third indicia symbols, light from said second light source does not illuminate said first and third indicia symbols, and light from said third light source does not illuminate said first and second indicia symbols.